

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION**

**IN RE: PAWTUCKET WATER SUPPLY BOARD**

**DOCKET NO: 3674**

**PAWTUCKET WATER SUPPLY BOARD'S MOTION TO STRIKE TESTIMONY AND  
REQUEST FOR MISCELLANEOUS RELIEF**

The Town of Cumberland's ("Cumberland") recent history in rate cases before the Rhode Island Public Utilities Commission ("Commission") is one of non-compliance with the Commission's rules. Now, for the second time in this Docket, history has repeated itself. As such, the Pawtucket Water Supply Board ("PWSB") prays that the Commission strike the testimony of David Russell and Christopher Collins, that it invoke its authority under Rule 1.13 and terminate Cumberland's status as an intervenor in this Docket.

In light of Cumberland's last minute filing of Mr. Russell's and Mr. Collin's testimony, the PWSB is unable to submit a supporting memorandum at this time. However, it is anticipated that the PWSB will be able to submit a memorandum prior to September 13, 2005, when hearings are slated to begin in this Docket. In the interim, the PWSB incorporates by reference its Motion to Strike Testimony and Request For Miscellaneous Relief filed with the Commission on September 2, 2005. The PWSB also states as follows:

- 1) The procedural order in this Docket called for The Town of Cumberland to file its direct testimony on August 2, 2005.
- 2) Cumberland was subsequently granted an extension until August 9, 2005
- 3) On that date, Cumberland only submitted Testimony from Thomas Bruce.

- 4) On September 2, 2005 the PWSB filed a motion to strike the testimony of Thomas Bruce, based on the fact that he was not an expert on many of the subjects on which he testified.
- 5) On September 6, 2005 at 4:49 p.m., counsel for the PWSB received surrebuttal testimony from Thomas Bruce.
- 6) On that same date and time, Cumberland also submitted testimony from David Russell and Christopher Collins.
- 7) While labeled as “surrebuttal” testimony, this testimony, particularly Mr. Russell’s, is actually direct testimony that Cumberland is attempting to introduce after the deadline for submitting direct testimony has passed.
- 8) The submissions from these new witnesses, at such a late date, severely prejudices the PWSB.
- 9) The PWSB has less than seven days (and only four business days) to review approximately 40 pages submitted by Mr. Russell and Mr. Collins along with 167 pages submitted by Mr. Bruce.
- 10) The PWSB has less than seven days (and only four business days) to issue, receive responses, and review responses to data requests directed to these two witnesses.
- 11) Normally, a continuance could be requested to address this testimony. However, a continuance will further prejudice the PWSB as it will delay the implementation and collection of any new rate set by the Commission.

## **II. CONCLUSION**

For the reasons set forth herein The Pawtucket Water Supply Board prays that The Rhode Island Public Utilities Commission order the following relief:

- 1) That the Commission strike the testimony of David Russell and Christopher Collins and

prohibit their introduction as evidence in this Docket.

- 2) That the Commission invoke its authority under Rule 1.13 and terminated the party status of Cumberland as an intervenor in this Docket.
- 3) That the Commission grant all other relief it deems meet and just.

PAWTUCKET WATER SUPPLY BOARD  
By its attorney,

---

Joseph A. Keough, Jr. #4925  
KEOUGH & SWEENEY  
100 Armistice Boulevard  
Pawtucket, RI 02860  
(401)724-3600

**CERTIFICATION**

I, the undersigned, hereby certify that I mailed a true copy of the within to the individuals listed on the attached service list on this 8<sup>th</sup> day of September 2005.

---